

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 22, 2002

Agenda ID #1281

TO: PARTIES OF RECORD IN APPLICATION 96-06-033

This is the draft decision of Administrative Law Judge (ALJ) Cooke. It will not appear on the Commission's agenda for at least 30 days after the date it is mailed. The Commission may act then, or it may postpone action until later.

When the Commission acts on the draft decision, it may adopt all or part of it as written, amend or modify it, or set it aside and prepare its own decision. Only when the Commission acts does the decision become binding on the parties.

Parties to the proceeding may file comments on the draft decision as provided in Article 19 of the Commission's "Rules of Practice and Procedure." These rules are accessible on the Commission's website at <http://www.cpuc.ca.gov>. Pursuant to Rule 77.3 opening comments shall not exceed 15 pages. Finally, comments must be served separately on the ALJ and the Assigned Commissioner, and for that purpose I suggest hand delivery, overnight mail, or other expeditious method of service.

/s/ CAROL A. BROWN
Carol A. Brown, Interim Chief
Administrative Law Judge

CAB:jyc

Attachment

Decision **DRAFT DECISION OF ALJ COOKE** (Mailed 10/22/02)

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Southern California Edison Company (U 338-E) for a Permit to Construct Electrical Facilities with Voltages between 50 kV and 200 kV.

Application 96-06-033
(Filed June 20, 1996)

DECISION DISMISSING APPLICATION

Southern California Edison Company (SCE) filed this application on June 20, 1996. The project at issue, known as the Lucerne Valley to Big Bear Valley Transmission Line and Substation Project, is proposed to serve SCE's wholesale customer, Southern California Water Company (SCWC), the public utility that provides service to the Big Bear community. No action has occurred in the case since the 1998 prehearing conference.

By letter dated September 20, 2002, SCE informed the Commission that SCE and SCWC are engaged in litigation concerning an Added Facilities Agreement that underlies the need for the project. SCE does not oppose dismissal of the application at this time.

Because of the litigation between the parties that impacts this application, we cannot proceed to a decision on the merits. Rather than letting the application remain open any longer, we dismiss without prejudice to future refiling once the parties have resolved the litigation underlying this project.

Comments on Draft Decision

The draft decision of the Administrative Law Judge (ALJ) in this matter was mailed to the parties in accordance with Public Utilities Code Section 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. Comments were filed on _____, and reply comments were filed on _____.

Assignment of Proceeding

Geoffrey Brown is the Assigned Commissioner and Michelle Cooke is the assigned ALJ in this proceeding.

Findings of Fact

1. SCE and SCWC are engaged in litigation concerning an Added Facilities Agreement that underlies the need for the project.
2. Until the underlying dispute is resolved, we cannot proceed to a decision on the merits.

Conclusions of Law

1. No purpose would be served by keeping the application open at this time.
2. We should dismiss the application without prejudice.

O R D E R

IT IS ORDERED that:

1. This proceeding is dismissed without prejudice.
2. This proceeding is closed.

This order is effective today.

Dated _____, at San Francisco, California.